

Amendment  
U.S. Patent Application No. 09/475,385

REMARKS

Reconsideration and continued examination of the above-identified application are respectfully requested.

The amendment to the claims further defines what the applicants regard as their invention. The specification and the claims of the present application specifically recite that the adsorbing is accomplished by modified carbonaceous materials, which do not include a gel composition that is an adsorbent. No new questions of patentability should arise nor does the amendment necessitate any further searching on the part of the Examiner since the Examiner has essentially considered similar subject matter in the past. The amendment places the application in condition for allowance. At a minimum, the amendment places the application in a better condition for appeal. Accordingly, no questions of new matter should arise and entry of the amendment is respectfully requested.

At page 2 of the Office Action, the Examiner rejects claims 19, 22, 39-46, and 48-50 under 35 U.S.C. §102(b) as being anticipated by Boes et al. (U.S. Patent No. 5,807,494). According to the Examiner, column 8, lines 6-8 of Boes et al. describes a modified carbon black in combination with a gel component that can be used as a liquid, gas, or vaporous adsorbent. The Examiner asserts that the carbon black includes at least one organic group directly attached, wherein the organic group can be an aromatic group or a C1-C12 alkyl group, such as -COOH, a substituted sulfophenyl group, polysulfophenyl group, or their salts. The Examiner further asserts that column 4, lines 20-59 of Boes et al. describes that the aromatic group may be further substituted and the C1-C12 alkyl group can have an acidic group having a pKa of less than 11. Furthermore, the Examiner asserts that column 5, lines 60-65 of Boes et al. describes that the carbon black may be

## Amendment

U.S. Patent Application No. 09/475,385

pelletized and have increased water dispersibility. The Examiner also asserts that when more than one organic group is attached, the organic groups will inherently attach to different portions of the carbon black and that the method of adsorption by contacting an adsorbate with the adsorbent is an inherent characteristic of a material that is used in adsorption, and the carbon black material is inherently capable of adsorbing an adsorbate. The Examiner further asserts that the applicants' arguments filed March 17, 2003 were not persuasive because, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. The Examiner then asserts that the claims of the present application describe a modified carbonaceous material, but contain no language that would exclude the presence of a gel component or any other material. For the following reasons, this rejection is respectfully traversed.

Claims 39, 40, and 45 recite, in part, wherein the modified carbonaceous material excludes a gel composition that is an adsorbent. As such, Boes et al. does not teach the claimed invention. Accordingly, this rejection should be withdrawn.

At page 3 of the Office Action, the Examiner indicates that claim 51 is allowed. Furthermore, the Examiner indicates that claims 20, 21, and 23-25 are objected to as being dependent on a rejected claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. The applicants and the undersigned appreciate the indication of the allowable subject matter and the indication that claims 20, 21, and 23-25 would be allowable if rewritten in independent form. The applicants and the undersigned believe that the comments set forth above should convince the Examiner that the remaining claims are in condition for allowance as well.

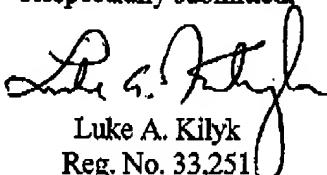
Amendment  
U.S. Patent Application No. 09/475,385

**CONCLUSION**

In view of the foregoing remarks, the applicants respectfully request the reconsideration of this application and the timely allowance of all the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 03-0060. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



Luke A. Kilyk  
Reg. No. 33,251

Atty. Docket No. 96074DIV (3600-011-01)  
KILYK & BOWERSOX, P.L.L.C.  
53 A East Lee Street  
Warrenton, VA 20186  
Tel: (540) 428-1701  
Fax.: (540) 428-1720

FAX RECEIVED  
JUL 22 2003  
GROUP 1700